

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

CHARLES SUMMERS,

Plaintiff,

v.

CIVIL ACTION NO. 2:22-cv-00148

WEST VIRGINIA DEPARTMENT  
OF HOMELAND SECURITY, et al.,

Defendants.

**ORDER**

For health and safety reasons during the COVID-19 pandemic, the Court is implementing the following trial procedures for the upcoming trial in this matter scheduled for **January 29, 2024**, with jury selection on **January 26, 2024**:

- 1) The Court **ORDERS** that all persons, including but not limited to all court personnel, Marshals, Court Security Officers, litigants, witnesses and spectators wear a face covering or mask, which covers both the wearer's nose and mouth, at all times during which he or she is in the courtroom, regardless of whether court is currently in session. The Court **ORDERS** that counsel for each side notify their respective witnesses of the mask requirement; and
- 2) With regard to the presentation of evidence, to prevent the unnecessary handling of exhibits, the Court **ORDERS** as follows:
  - A) On the morning of trial, counsel for each side shall submit to the Court **two** trial notebooks that contain copies of all proposed trial exhibits. Counsel shall also provide a copy of the exhibit notebook to opposing counsel. All such exhibits shall be pre-marked, **using numbers** not letters, and shall include the **case number** and **case style**;

- B) Counsel shall retain a working copy of all exhibits during the trial for use with witnesses and presentation to the jury;
- C) During the trial, counsel wishing to publish an exhibit to the jury must first seek the admission of the exhibit, and then specifically request that the exhibit be published;
- D) The courtroom deputy will maintain the trial notebook(s) with the exhibits that will be submitted to the jury. At the conclusion of the evidence, and prior to jury deliberation, counsel for both sides shall verify that all admitted exhibits have been tendered to the Court and have been included in the trial notebook(s) managed by the courtroom deputy. Once all admitted exhibits have been verified, the trial exhibits will be submitted to the jury for use during deliberations.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: January 11, 2024



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA